



UNITED STATES
CIVILIAN BOARD OF CONTRACT APPEALS

July 17, 2012

CBCA 2827-RELO

In the Matter of STEVEN R. HOWARDELL

Steven R. Howardell, Covington, LA, Claimant.

Debra J. Murray, Chief, Travel Section, Customs and Border Protection National Finance Center, Department of Homeland Security, Indianapolis, IN, appearing for Department of Homeland Security.

VERGILIO, Board Judge.

The agency appropriately denied claimant's request to deem his residence eligible for inclusion in the guaranteed home sale program, because by definition in the agency's program, a manufactured home was ineligible for the program despite modifications (affixed to permanent foundation, added decks, and enclosed porch).

On April 23, 2012, the Board received a relocation claim from Steven R. Howardell, arising from a permanent change of duty station for the United States Customs and Border Protection (agency). The claimant contests the determination that his residence did not qualify for the guaranteed home sale program because it was a manufactured home. The claimant's home began as a manufactured home. Thereafter, the home was affixed to a permanent foundation. Two decks and an enclosed porch were added.

Although the agency had authorized the claimant to utilize the guaranteed home sale program, placement in the home sale program was dependent upon the home's eligibility under the agency's relocation services contract. The contract specifies that mobile/manufactured homes are not eligible for home sales services. The contract defines a mobile/manufactured home to be a

home designed with a frame for moving from one location to another. The basic design is the determining factor. . . . Modifications that may have been

made to the structure after it was assembled or moved to a specific location are not relevant. Applicable state and local laws addressing the definition of mobile homes shall be given great weight in the interpretation of the contract.

By definition, a manufactured home was not eligible for the program, and modifications made to the home after installation did not alter its categorization. The taxing of the property and state definitions at the time of claimant's relocation do not alter the result. While claimant's home may no longer be mobile, it continues to be a manufactured home under the definition. Because the residence was a manufactured home before modifications were made, the agency appropriately supported the exclusion from the program. *Michael Tagle*, CBCA 1585-RELO, 09-2 BCA ¶ 34,254; *Daniel R. Elliott*, CBCA 1254-RELO, 08-2 BCA ¶ 33,964; *William C. Gentile*, CBCA 1091-RELO, 08-2 BCA ¶ 33,904.

Thus, the Board denies the claim.

JOSEPH A. VERGILIO
Board Judge